

REMARKS

This is a response to the Office Action dated February 7, 2005 where the Examiner rejected claims 1-4, 6-9, and 11-16. The Applicant respectfully responds to Examiner's Detailed Action, and requests the Examiner put all the claims in the application in a state of allowance.

A. Continued Examination Under 37 CFR 1.114

In the Office Action dated February 7, 2005, the Examiner entered the Applicant's request for continued examination. Thus, this patent application is still being prosecuted and the Applicant is responding in a timely manner to the Office Action.

B. Rejection of Claims Under 35 USC 103

The Examiner has rejected claims 1-4, 6-9, and 11-16 under 35 U.S.C. 103(a) as being unpatentable over Hao, U.S. Patent 6,437,709 B1 (hereinafter "Hao '709") in view of Wood et al., U.S. Patent 6,810,271 (hereinafter "Wood '271") and Andre, U.S. Patent 5,950,809 (hereinafter "Andre '809"). Applicant respectfully disagrees for the reasons stated below.

Both independent Claim 1 and Claim 6, have similar limitations that are mirrored in the Claim 1, which reads:

1. A mobile handset keypad comprising an array of keys positioned on a surface of a mobile housing for user interface with the mobile, said array of keys comprising:

a plurality of alphanumeric keys that operate in an alphanumeric mode;

a navigation scheme having at least one integral navigation and alphanumeric key configured to navigate through a plurality of menus in a navigation mode; and

at least one illumination source proximate to the at least one integral navigation and alphanumeric key, the at least one illumination source configured to distinguish between the alphanumeric mode and the navigation scheme by illuminating the at least one integral navigation and alphanumeric key being in the navigation mode.

In the Examiner's action, the Examiner argues that Wood '271 stands for the proposition that:

... at least one illumination light which reads on the claimed "illumination source" proximate to the at least one central key (24,44) which reads on the claimed "integral navigation and alphanumeric key" (see col. 4, lines 31-35; col. 2 lines 43-53, 62-64; col. 3 lines 1-7, 43-46; Figs. 2-4). See Page 5 of Office Action.

1. Wood '271 fails to teach proximity or location.

The Applicant respectfully submits that the Examiner has failed to show that Wood '271 teaches location or proximity of the illumination source, and thus Examiner has failed to satisfy the *prima facie* case for obviousness.

In Page 5 of the Examiner's Action, the Examiner states that "at least one illumination source proximate to that at least one integral navigation and alphanumeric key was well known in the art, as taught by Wood." Applicants has reviewed Wood '271 and the only reference to "illumination" is provided in col. 4, lines 31-35 of Wood '271, which states:

For example, referring to FIGS 2, 3, and 4, the keys may include additional curvature at the outer edges and have an illuminating light for improved visibility in poor light conditions.

This single sentence does NOT teach location or proximity and the drawings do not reflect the location of the illuminating light.

To satisfy the *prima facie* element of an obviousness rejection, a prior art reference must teach or suggest all the claim limitations. See MPEP 2143. Since Wood '271 does NOT teach the location of the illuminating light, the Wood '271 reference fails to satisfy the *prima facie* obviousness requirements.

2. Wood '271 and Andre '809 fail to suggest desirability of the claimed invention.

Although Woods '271 and Andre '809 reference the use of illumination, both patents fail to suggest the desirability of the claimed invention, which is having an illumination source proximate the navigation keys to distinguish between navigation mode and alphanumeric mode. The other basic requirement for the *prima facie* case of obviousness is that the prior art must suggest the desirability of the claimed invention. See MPEP 2143.01.

The Examiner shall appreciate that Wood '271 clearly states a single purpose for the illuminating light, namely, improved visibility in poor light conditions. Andre '809 stands for the proposition that one polarized light is used to illuminate all keys in alphanumeric mode and another polarized light is used to illuminate keys in navigation mode. Clearly, both these teachings conflict because Andre '809 is directed to illuminating *all* keys to distinguish between navigation mode and alphanumeric mode, and Wood '271 teaches illuminating for purposes of improving visibility. Neither Wood '271 or Andre '809 suggest, teach or motivate the desirability of having at least one illumination source proximate the at least one integral navigation and alphanumeric key, which distinguishes between alphanumeric mode and navigation mode.

Thus, based on the arguments provided, the Applicant respectfully submits that claims 1 and 6 are in a state of allowance.

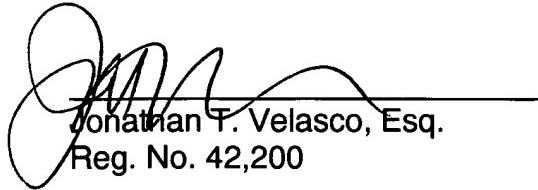
Regarding dependent claim 2-4, 7-9, and 11-16. Each of these dependent claims depend on the amended independent claim 1 and 6. If an independent claim is non-obvious under 35 USC 103, then any claim depending therefrom is non-obvious. MPEP 2143.03 citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus since Hao '709, Wood '271 and Andre '809 fail to teach each element of the claim and fail to motivate, suggest, or teach these limitations, the dependent claims should also be in a state of allowance. With respect to these dependent claims, the Applicant reserves the right to present additional arguments if claims 1 and claim 6 are not in a state of allowance.

C. Conclusion

For all the foregoing reasons, withdrawal of the finality of the rejection of present Office Action and allowance of claims 1-4, 6-9 and 11-16 pending in the present application are respectfully requested.

Respectfully Submitted;

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Amendments to the Drawings

The Examiner objected to FIG.1 of the drawings under 37 CFR 1.83(a) because the drawings must show every feature of the invention specified. The Examiner states that the feature of "at least one illumination source proximate to the at least one integral navigation and alphanumeric key, the at least one illumination source configured to distinguish between the alphanumeric mode and the navigation scheme by illuminated the at least one integral navigation and alphanumeric key being in the navigation mode" must be shown.

In response to the Examiner's objection to FIG. 1 of the drawings, Applicant submits the attached Replacement Sheet for FIG. 1. The Replacement Sheet for FIG. 1 shows an illustrative example of an illumination source proximate an integral navigation and alphanumeric key with hatching. Additionally, the at least one illuminated integral navigation and alphanumeric key is also shown with hatching. This Replacement Figure does not constitute new matter because the Specification provides support for the illumination source and the illuminated integral navigation and alphanumeric key at *inter alia* Page 5, line 10-18 of the original patent application and in the FIG.1 drawing, stating:

In addition to or as an alternative indication of navigation mode, the housing surface area associated with navigation keys 10 shown in FIG. 1 as an oval, as well as navigation keys 10 are illuminated with a backlighting source whenever the mobile is in navigation mode. In contrast, all of the keys of keypad 20 are illuminated when in alphanumeric mode. Suitable backlighting sources include light emitting diodes (LEDs) and electroluminescent (EL) panels. As an alternative additional indicator of navigation mode to the user, housing surface areas shown at 36, 38, 40 and 42 and corresponding navigation keys 16, 18, 14 and 12 are individually illuminated with a backlighting source when one of the keys is operated. A variety of illumination schemes and icon indicators can equally serve the purpose of indicating mode to the user. See Page 5, line 10 – 18 in the patent application. See Page 5, line 10-18 in the original patent application.